

Hon. Walter Shapiro

8-5-14

We are David and Jo Ann Picard Case # 12-66246 WSD. We went through foreclosure in 2010 and bankruptcy in 2012.

We believe our bankruptcy was grossly mis-handled and could border on criminal. There was a great deal of over reach on the part of the Trustee Timothy J. Miller.

We were led to believe that our bankruptcy would be fairly straight forward and would cost approximately \$500.00. We were totally wrong to believe that. It is now almost 2 years since the onset.

Because of a land asset of 8½ acres that Trustee Miller desired to acquire for his friend Kenneth Butler who represented Ed Plus C. Ua, C.E.O. Denise Fox they put my wife and I through hell to make sure it was accomplished.

In 2013 we were sued by Ed. Plus C.U. and Ken Butler because they said they had a lien on that 8½ acres, which they could never produce any documentation for. We prevailed and Judge Melinda Morris ruled in our

(2)

Because of the balance owed after foreclosure the C.V. got a judgement on the balance and we agreed to pay \$250.00 per month on the balance.

This created a big problem for Ken Butler and the C.V., because they sold the home w/ 4 acres and the disputed 8 1/2 acres to Bruce and Elisabeth Clapp and issued a warranty deed to them on our 8 1/2 acres. Now the Clapps were very unhappy and hired their own attorney. The Ed. Plus C.V. could not deal with the Clapps and decided to harass us in hopes we would cave in and file bankruptcy or sell them the property at a give away price. We wanted to keep our land.

We made our payments of \$250. a month regularly, never late but that was not enough for us to keep the C.V. happy. While Judge Morris was on vacation they filed with the presiding judge to obtain by order to take all our personal and business assets, files, computer, work vehicle and cars. Fortunately another judge would not sign it, and we did not

(3)

receive notification by the attorney for the C.V. until the date had passed.

We were harassed by the C.V. and the Clapps everytime we stepped foot on our land. For 2½ years we had the State Police called on us 4 times, the fire Dept. once and other county officials show up. The Clapps graffitied a corn crib on the property and covered the driveway with logs and brush to prevent entry.

Myself being now 64 and a heart patient since I was 38 and my wife having asthma and other issues decided to file bankruptcy because we could see this would not end.

We filed bankruptcy w/ Dickron Bohikian, told him we wanted to keep the 8½ acres, he said that he believed it was possible. I told him and warned him of the fight over the land.

Out in the hall just minutes before our hearing with Timothy Miller Dickron came over to my wife and

(4)

myself and told us Trustee Miller was selling our 8 $\frac{1}{2}$ acres to the C.V. for \$3,000. We couldn't believe what we had just heard. We hadn't even had a hearing yet. When we finally got into the meeting we strongly objected and Trustee Miller said we would have to go to a 34H meeting in downtown Detroit.

During our meeting in Detroit which was recorded and turned off at the trustees discretion, Trustee Miller tried to get us to admit to a mortgage we had with the C.V. putting up the land as collateral, which we would not admit to, because it was a lie. Mr. Miller held in his hand a paper he kept referring to which was not what he thought it was. My wife having been in real estate recognized the document and had to straighten him out, but only after a sarcastic remark toward her. He finally had to admit his error.

During this meeting and because of having to contend with so much we decided to switch to a Chapter 13

(5)

and do a \$500. to \$700 payment plan. When our attorney went during a break to tell Butler and Miller our decision to switch we could hear Butler screaming at our attorney "you're not going to get away with this, I'll see to it." I'm sure he didn't realize we could hear him.

In a few weeks we discovered because of our attorney bill and the trustees bill we would not be able to afford the \$1,000 to \$1,100 payment we would have to make for 5 years, so we switched back to Chapter 7. Trustee Miller finally took control of our land and made the decision to hold a private sale in his office in Washington Township, and the only bidding party invited was the C.V.

No notification to the public of any sort. No sign on the property. No neighbors notified of the sale. Not anything. Only the C.V. and its bid of \$9,000.00. When I found out I notified with one phone call a neighbor who was pleased that I told them.

(6)

It was Bill and Wendy Tobler. They contacted Trustee Miller's office and told the trustee of their interest. They sent in the amount required to be in the bidding and showed up for the sale. They bid up to \$37,000 but could not go any higher. They were out bid at \$38,000 by the C.V.

On Mar 4th 2014 the C.V. secured the land. I told our attorney to file an objection to the sale and the way everything was handled. He absolutely did not want to, nor did he want to do battle w/ Miller and Ken Butler.

He finally admitted what I was telling him was true about Trustee Miller and Ken Butler working against us at all costs to get this land in the hands of the C.V. to fix the problem they had w/ the Clapps.

Our attorney did file the objection but I believe he filed it under the wrong form or title. As of two weeks ago it was still in your office, and has not been dealt

(7)

with.

Our attorney now will not contact me, by phone, e-mail or text. He has totally abandoned this case and left us high and dry. The last conversation I had with him he openly stated "look this is a small group of lawyers and trustees who always have to work together. They go on vacation together, their children play with each other, etc" He said and I quote again "Miller probably won't speak to me for six months, oh well."

Att. Dickson Bobukian has not billed me the \$8,000 bill he ran up and I believe he has quit. I have no monies to continue this fight, but I will have my voice heard.

The land is gone, the \$38,000 will be \$28,000 when ^{Miller} Trustee gets his unfair share. The balance will go who knows where. With the way this trustee operates, maybe back to the Ed Plus C.V.

I can't even begin to tell you of the frustration of being on this side

(8)

of the fence

I am going to write a detailed letter to the U.S. Trustees board asking for an investigation into Trustee Miller's actions, and I am going to report Denise Fox C.E.O. of the C.U. to the Mech Chapter they belong to. She is an absolute disgrace to the term C.E.O. She will be shocked to hear what I have found and know!

This whole debacle has been an arms length agreement between Trustee Miller and Kren Butler and a conflict of interest.

Mr. Miller has earned the right to be investigated for his abuse of power on the general public.

In the process of all of this I contacted another trustee in this district and also a highly regarded attorney. The one said I should never been given the advice to file and if I had gone with them Trustee Miller would not gotten away with what he did to us.

The other simply stated Trustee

(9)

his actions. That attorney had nothing good to say about Trustee Miller's past history.

In closing we believe Trustee Miller should only be paid what he would have gotten at the first bankruptcy hearing in Ann Arbor. The 341 meeting and subsequent hiring of his former real estate attorney, to research ownership of the property drove up costs on documents that had already been supplied to them.

The notification we received of request for payment shows there were 9 pages. We only received page #6. Why would we have not received all 9 pages?

Thank you for hearing our story of the events over the past 4 yrs.

Sincerely,
David L. Pichan

David L. Pichan
8-7-14